

REMARKS

In the Office Action of November 18, 2006, the Examiner rejected all twenty-nine claims as being unpatentable in view of certain prior art. Specifically, (a) claims 1-8 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,971,548 (Asai '548); (b) claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Asai '548 and U.S. Patent No. 6,486,449 (Fujikawa); (c) claims 10-12 and 20-22 were rejected under § 103(a) as being obvious in view of Asai '548 and U.S. Patent No. 5,320,517 (Hirata); and (d) claims 23-29 were rejected under § 103(a) as being obvious in view of Asai '548 and U.S. Patent No. 4,772,196 (Asai '196).

All of the rejections are based on the Examiner's contention that Asai '548 discloses the basic elements of the claimed invention. A review of Asai '548, however, reveals that its disclosure is fundamentally different from the tool rig defined by the rejected claims.

For convenience, independent claim 1 of the application is reproduced below (emphasis added):

1. A tool rig for the compaction of particulate materials, comprising:

a base;

a cylinder block disposed on the base;

first and second pistons disposed within the cylinder block, the second piston being at least partially disposed within the first piston; and

first and second supply means for connecting an energy supply to the second piston *from positions within the second piston* to cause the second piston to move independently from movement of the first piston, the first supply means causing the second piston to move in a first direction and the second supply means causing the second piston to move in a second direction opposite the first direction.

The Examiner contends that Asai '548 discloses a tool rig including concentric first and second pistons in the form of ejector sleeve 64 and punch 66, respectively. Conceding that contention for the sake of argument, Asai '548 fails to provide any disclosure or suggestion of the claimed first and second supply means that connect an energy supply to the punch *from positions within the punch*. Instead, as described at column 4, lines 7-12 of Asai '548, movement of the punch is accomplished by its connection to a punch supporting plate 82, which in turn is connected to a piston rod 86 actuated by hydraulic cylinders 84. Accordingly, the supply means is well outside the second piston/punch 66.

Independent claim 13 is similar to claim 1, except that the first and second supply means recited in claim 1 are replaced by "a supply component *disposed in the second piston*" that defines two channels for providing an energy supply to the second piston (emphasis added). Asai '548 provides no disclosure or suggestion of the claimed supply component disposed in the punch 66. As stated above, movement of the punch 66 is provided by punch supporting plate 82, disposed well outside the area encompassed by the punch.

Independent claim 23 recites a press comprising a frame in combination with a tool rig as recited in claim 1. Asai '548 provides no disclosure or suggestion of the claimed arrangement.

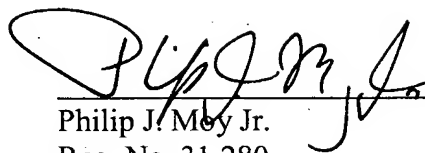
The absence from Asai '548 of any supply means or component that would render independent claims 1, 13, and 23 unpatentable is clearly demonstrated by the Examiner's identification of hydraulic cylinder 84 and spring 76 as the supply means for the punch of Asai '548. Those components are so far removed from punch 66 that they could be termed "remote." Indeed, the configuration of the tool disclosed by Asai '548 must be seen as teaching away from applicant's claimed invention. Moreover, as all of the independent claims are patentable in view of the applied prior art, all dependent claims are patentable as well.

In view of the foregoing, applicant submits that claims 1-29 are patentable and in condition for allowance. Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued.

Respectfully submitted,

FAY SHARPE LLP

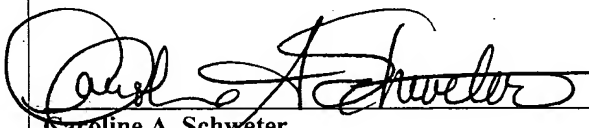
Date: March 19, 2007



Philip J. Moy Jr.
Reg. No. 31,280
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING

I certify that this Response to Office Action is being deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

<p>Date</p> <p>March 19, 2007</p>	 <p>Caroline A. Schweter</p>
-----------------------------------	--

*N:\HWKP\200008\USVPJM0002242V001.doc